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C O N F I D E N T I A L SECTION 01 OF 02 AMMAN 006398

SIPDIS

DEPARTMENT FOR NEA, NEA/ARN, AND L/LEI
JUSTICE FOR OIA
FBI FOR OIO

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SUBJECT: U.S.-JORDAN EXTRADITION TREATY: AMBASSADOR ASKS
GOJ TO SUBMIT TREATY TO PARLIAMENT

Classified By: Amb. Edward W. Gnehm for reasons 1.5 (b)(d)

SUMMARY

11. (C) The Ambassador on October 5 asked FonMin Muasher to have the GOJ to submit the U.S.-Jordan extradition treaty to the Parliament for ratification. Muasher promised to raise the issue with the PM and cabinet. The MFA Legal Advisor told us separately that, while the legal obstacles to full implementation of the treaty would be surmountable after parliamentary approval, the political hurdles in Parliament could be more difficult to overcome. With the first regular session of the new Parliament convening on December 1, we believe now is the time to press the extradition treaty with the GOJ. END SUMMARY.

SUBMIT THE TREATY FOR PARLIAMENTARY APPROVAL

12. (C) The Ambassador told Foreign Minister Marwan Muasher October 5 (other topics septels, notal) that the U.S. wishes to move ahead to ensure full implementation of the 1995 U.S.-Jordan bilateral extradition treaty. In view of Jordanian court rulings that have declared the treaty not in force because it has not been ratified by the Jordanian Parliament, the Ambassador asked that the GOJ present the treaty to the new Parliament for formal approval. Muasher said that he would take the request to the Prime Minister and cabinet, but made no other substantive comment.

MFA LEGAL ADVISER: LEGAL HURDLES NOT HIGH...

13. (C) PolCouns discussed the extradition treaty and strategies for achieving its full implementation October 2 with Samer Naber, the MFA's Legal Advisor, and Mohammed Ali Nsour, an MFA Attorney. Naber said that the Jordanian Court of Cassation had ruled clearly that the treaty has not entered into force because the Parliament had not approved it. He agreed with the court decision which states that Article 33(ii) of the Jordanian constitution requires Parliamentary approval of this type of agreement. "I don't know who the lawyers were who told King Hussein that he had the authority to ratify the treaty by a decree. They were not very good." The first legal hurdle to be overcome before achieving full implementation of the treaty, he said, would be parliamentary approval.

14. (C) Naber explained that the Court of Cassation had also ruled that Article 9(i) of the Constitution ("No Jordanian may be deported from the territory of the Kingdom.") would prevent extradition of a Jordanian citizen under the bilateral extradition treaty. Naber did not agree with this interpretation, and believed that the GOJ could mount a successful legal challenge to it. First, he said, Article 21(ii) of the Constitution permits "extradition of ordinary criminals" according to "international agreements and laws," in his opinion clearly giving the GOJ and Parliament the authority to sign, ratify, and implement extradition treaties. Furthermore, Jordan has a collective extradition agreement within the context of the Arab League and routinely extradites Jordanian citizens accused of crimes to other Arab countries under this arrangement. If the first hurdle of Parliamentary approval can be cleared, he said, good legal arguments and "technical ground work" should ensure the treaty's full implementation.

... BUT POLITICAL HURDLES FORMIDABLE

15. (C) Naber felt, however, that the political hurdles to full implementation of the treaty would make for "a real uphill struggle." First, the cabinet would have to make a political decision to send the treaty to Parliament for approval. With about 200 provisional laws currently pending before the Parliament, Naber wondered if the government would

want to add another potentially controversial item to its legislative agenda. Second, Naber explained, the new Parliament and its Legal Affairs Committee have been less than cooperative in their current review of international agreements. The GOJ submitted to the Parliament documents ratifying the 1999 Convention on the Suppression of the Financing of Terrorism. The Legal Committee has held several meetings to discuss the Convention, but seems unable to understand the necessary and compelling reasons why Jordan should adhere to it. Given the difficult slog to get approval of the Terrorism Finance Convention, Naber feared that the U.S.-Jordan extradition treaty would be a lightning rod for criticism of the U.S. for unrelated U.S. policies in Iraq and the Middle East peace process.

COMMENT

16. (C) In the absence of Parliament over the past two years, the Embassy has tried to lay the groundwork for parliamentary approval of the extradition treaty in numerous conversations with GOJ officials. The Ambassador's request to the Foreign Minister to present the treaty to Parliament is the first formal step in what is likely to be a lengthy process. However, with the first regular session of the new Parliament scheduled to begin on December 1, we believe that now is the time to begin to push this issue with the GOJ. The Ambassador will raise the treaty when he next sees Prime Minister Abul Ragheb and again press for a cabinet decision to submit the treaty to Parliament.

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